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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,326	03/16/2004	William J. Borland	EL0545 US NA	5088

23906 7590 04/08/2005

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LEGAL PATENT RECORDS CENTER
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WILMINGTON, DE 19805

EXAMINER

MAI, NGOCLAN THI

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/801,326	Applicant(s) BORLAND ET AL.	
	Examiner Ngoclan T. Mai	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of "at least one of barium, strontium, calcium, magnesium, manganese and zinc" in claim 6 is not supported by the specification because there is no disclose of the elements listed in claim 6 as part of the electrode powder. These elements are in form of compounds and are presence in the dielectric paste per page 11, lines 10-26 and Figure 1. Part of claim 7, pertaining to Sn, is not supported by the specification, because on page 6 the specification discloses that cations such as Si, Zr, and/or titanium may be used to replace part of the Ge in the lead germanate glass, however there is no disclosure of Sn being replaced Ge or the addition Sn in the powder.

Since the limitation of claim 6 is not fully supported by the specification, this claim can't be rejected on art at this time.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Siuta (US patent 4,514,321).

Siuta discloses a thick film conductor composition comprising a mixture of finely divided particles of (a) a conductive material containing copper metal, (b) inorganic binder and (c) 0.2-5% wt. of a noncuprous metal selected from the group consisting of tungsten, molybdenum, rhenium and alloys and mixtures thereof all dispersed in organic medium, see abstract. Siuta also teaches employing glass as the inorganic binder having softening point below 800 deg C and in the amount of 1-10% wt., preferably at 2-8% wt, col. 6, lines 14 to 42. The type of glass is disclosed Table 2, which includes the lead germanate glass, i.e. binder B, claimed by the applicants. Siuta teaches the presence of copper oxide in the composition which can be in the forms of copper oxide coating on the copper powder and Cu₂O and CuO added separately to the composition and/or to the glass frit and the amount of copper oxide is preferably added in the amount of no more than 2.0% by weight in order to maintain good solderability, col. 4, lines 23-62. Overall Siuta teaches the claimed powder and composition in Table 4, Example Nos. 4 and 6.

Regarding claim 3, the limitation of Ni in an amount of up to 1% by weight of the copper powder includes the lower range of zero amount, which reads on the claimed powder without Ni added.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siuta in view of Watabe et al. (US 5,766,305).

Siuta discloses the copper-based electrode powder substantially as claimed. The difference between the claim and Siuta is that Siuta does not teach the powder contains at least one of Si, Zr, or Ti.

Watabe et al discloses employing Ti powder in metal powder composition for use in forming metallized film from a paste comprising Cu to enhance bonding strength between the metal layer and ceramic substrate.


Thus it would have obvious to one of ordinary skill in the art to employ Ti with Cu to form a paste so that it can be used to form metallized film on a ceramic substrate having improved bonding strength.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoclan T. Mai whose telephone number is (571) 272-1246. The examiner can normally be reached on 9:30-6:00 PM Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ngocthan T. Mai
Primary Examiner
Art Unit 1742

n.m.